

MEMO ENDORSED

LATHAM & WATKINS LLP

November 21, 2007

**VIA FAX**

The Honorable James C. Francis  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
Fax: (212) 805-7930

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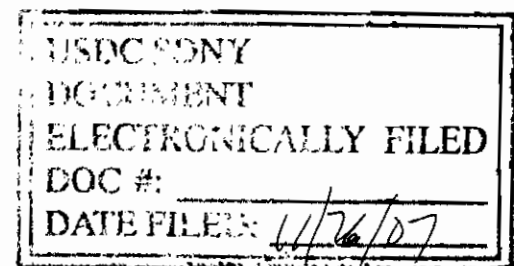
Re: Leem v. Kim et al., 1:07-cv-3116-JCF

Dear Judge Francis:

We represent Plaintiff Wan Jin Leem in the above-referenced matter. Defendants Ok Hwan Kim, 341 Second Ave. Farm, Inc., and Does 1-100 are represented by E. Peter Shin, Esq.

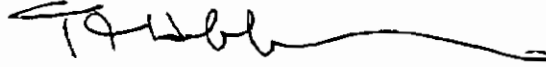
Plaintiff's counsel and Defendants' counsel have consented to a second extension of the Fact Discovery Cutoff Date from November 21, 2007 to December 21, 2007, for the limited purpose of allowing time for Plaintiff to complete the depositions of certain third party witnesses who were previously noticed but failed to appear for depositions. 11

This Court recently granted the parties' first request for an extension from October 24 to November 21, 2007. We diligently made contact with three witnesses and, after consulting with Mr. Shin with respect to scheduling, noticed their depositions for November 19 and 21, 2007. Unfortunately, despite having been duly served, all three witnesses failed to appear for their depositions.



We therefore respectfully request the Court to permit an extension of the Fact Discovery Cutoff Date until December 21, 2007 so that the parties may once again attempt to depose these witnesses. Please know that, in any event, we would like to proceed with a settlement conference, as requested by our letter dated November 16, 2007.

Respectfully submitted,



Thomas G. Hoffman, Jr.  
of LATHAM & WATKINS LLP

cc: Defense Counsel E. Peter Shin, Esq.  
Fax (718) 463-6789

Co-Plaintiff Counsel Steven Choi, Esq.  
Empowering the Korean American Community  
Fax (718) 445-0032

11/26/07  
Application granted. In addition,  
the deadline for submitting the  
retrial order or any dispositive  
motion is extended to  
January 18, 2008.

SO ORDERED.  
James C. Francis IV  
USMJ